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**PATENT APPLICATION FEE DETERMINATION RECORD**  
Substitute for Form PTO-875

Application or Docket Number:  
**101672060****CLAIMS AS FILED - PART I**

(Column 1) (Column 2)

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a))		
TOTAL CLAIMS (37 CFR 1.16(c))	13	minus 20 = <b>-</b>
INDEPENDENT CLAIMS (37 CFR 1.16(b))	4	minus 3 = <b>1</b>
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))		

**SMALL ENTITY**

OR

RATE	FEES
	\$385
X \$ <u>      </u> =	
X \$ <u>43</u> =	<b>43</b>
+ \$ <u>      </u> =	
TOTAL	<b>428</b>

**OTHER THAN SMALL ENTITY**

OR

RATE	FEES
	\$ <u>      </u>
X \$ <u>      </u> =	
X \$ <u>      </u> =	
X \$ <u>      </u> =	
+ \$ <u>      </u> =	
TOTAL	

**CLAIMS AS AMENDED - PART II**

(Column 1) (Column 2) (Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))	128	minus	20	<b>108</b>
Independent (37 CFR 1.16(b))	5	minus	3	<b>1</b>
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) <b>X</b>				
<b>128 (14) (37) (38) (39) (40) 141</b>				

**SMALL ENTITY**

OR

RATE	ADDI- TIONAL FEE
X \$ <u>25</u> =	<b>2700</b>
X \$ <u>100</u> =	<b>100</b>
+ \$ <u>180</u> =	<b>180</b>
TOTAL ADD'L FEE	<b>2980</b>

**OTHER THAN  
SMALL ENTITY**

OR

RATE	ADDI- TIONAL FEE
X \$ <u>      </u> =	
X \$ <u>      </u> =	
+ \$ <u>      </u> =	
TOTAL ADD'L FEE	

(Column 1) (Column 2) (Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))		Minus	**	=
Independent (37 CFR 1.16(b))		Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDI- TIONAL FEE
X \$ <u>      </u> =	
X \$ <u>      </u> =	
+ \$ <u>      </u> =	
TOTAL ADD'L FEE	

RATE	ADDI- TIONAL FEE
X \$ <u>      </u> =	
X \$ <u>      </u> =	
+ \$ <u>      </u> =	
TOTAL ADD'L FEE	

(Column 1) (Column 2) (Column 3)

AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))		Minus	**	=
Independent (37 CFR 1.16(b))		Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDI- TIONAL FEE
X \$ <u>      </u> =	
X \$ <u>      </u> =	
+ \$ <u>      </u> =	
TOTAL ADD'L FEE	

RATE	ADDI- TIONAL FEE
X \$ <u>      </u> =	
X \$ <u>      </u> =	
+ \$ <u>      </u> =	
TOTAL ADD'L FEE	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to be furnished by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.10. This collection is not mandatory; however, you are under no obligation including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments or comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JUN 27 2005

## BEFORE THE UNITED STATES PATENTS AND TRADEMARKS OFFICE

Inventor: Stephen Fitzgerald et al  
 Serial No: 10/672,060  
 Filed: 29 September 2003  
 Title: TUBULAR BASEBALL BATS WITH VARIABLE BARRELS  
 Confirm. No.: 4727  
 Art Unit: 3711  
 Our File: CECOM-04.US (2043-3-04-10)

June 27, 2005  
 By fax only 1-703-872-9306

Mail Stop Amendment  
 The Commissioner of Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Response to Office Action

This letter is in response to the examiner's office action of February 4, 2005. A petition for a two-month extension of time within which to reply to the office action accompanies this Response.

Amendments

In the Claims

Please amend the claims as set forth in Schedule A hereto. Please charge any required additional claims fees to deposit account number 503035 in the name the Milton Geller LLP. If insufficient funds are available in that account, please charge the additional required fees to deposit account number 501669 in the name of David J. French.

In the Disclosure

Please amend the disclosure as set forth in Schedule B hereto.

In the Abstract

Please amend the Abstract as set forth in Schedule C hereto.

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JUN 27 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: FITZGERALD, Stephen et al  
 Serial No: 10/672/060  
 Title: TUBULAR BASEBALL BATS WITH VARIABLE BARRELS  
 Examiner: MARK S. GRAHAM  
 Art Unit: 3711  
 Confirmation No. 4727

JUNE 27, 2005  
 By Fax Only: 1-703-872-9306

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA  
 22313-1450

Dear Sir:

PETITION FOR EXTENSION OF TIME  
 - 37 C.F.R. 1,136(a) -

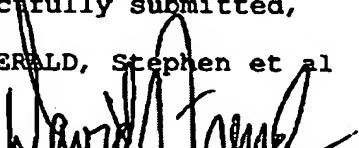
The applicant hereby formally requests, pursuant to CFR Title 37, Section 1.136, an extension of time of two months beyond the period set by the Examiner's Office Action to permit the filing of this response. Please deduct the requisite fee of \$225.00 (for a small entity) from our Deposit Account 503035. Any fee deficiencies may be deducted from our Deposit Account 503035.

06/29/2005 SFELEKE1 00000082 503035 10672060  
 01 FC:2252 225.00 DA

Respectfully submitted,

FITZGERALD, Stephen et al

per

  
 David J. French  
 Reg. No. 31229

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